

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:08CR73 RWS
)	
PRINCE BLACK,)	
)	
Defendant.)	

ORDER

This case comes before me on Defendant Prince Black's Motion To Suppress Evidence and Statements.

The motions were referred to United States Magistrate Judge Lewis M. Blanton pursuant to 28 U.S.C. § 636(b). The Government filed its response on July 30, 2008. Judge Blanton conducted an evidentiary hearings on July 30, 2008 and August 11, 2008.

Transcripts of the hearing were prepared and filed with the Court on September 16, 2008. The parties filed post hearing memoranda on October 8, 2008.

Judge Blanton filed his Report and Recommendation regarding Black's motions on October 31, 2008. Judge Blanton recommended that the motion to suppress evidence and statements be denied. Black requested and received an

extension to respond to the Magistrate Judge's Report and Recommendation. On December 1, 2008 Black filed his Objections to the Magistrate Judge's Recommendation.

I have conducted a *de novo* review of the Motion to Suppress Evidence and Statements, the testimony presented at the two hearings and the memoranda filed the parties.

Based on my *de novo* review of the testimony at the two hearings I concur with the credibility determinations made by Judge Blanton. As a result it is my finding that Officers Halloway and Coleman were able to see into the apartment where Prince Black was lying on a sleeper sofa in possession of a pistol. I further agree with Judge Blanton that exigent circumstances existed permitting the officers to enter the premises to arrest Prince Black. The subsequent consent to search the apartment by Jacqueline Grant was voluntary and given with full understanding of what the consequences would be.

Finally, Prince Black's statement to the officers was a voluntary statement which did not require a Miranda warning.

As a result, **IT IS HEREBY ORDERED** that United States Magistrate Judge Lewis M. Blanton's Report and Recommendation, filed October 31, 2008 [#35] is **SUSTAINED, ADOPTED AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant Prince Black's Motion to Suppress Evidence and Statements [#19] is DENIED.

A handwritten signature in black ink, appearing to read "Sippe" followed by a stylized flourish.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 27th day of February, 2009.